United States Department of Labor Employees' Compensation Appeals Board

N.M., Appellant)
and) Docket No. 22-0008) Issued: October 26, 2021
DEPARTMENT OF VETERANS AFFAIRS, DALLAS VA MEDICAL CENTER, Dallas, TX, Employer))))
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On October 1, 2021 appellant filed an appeal from a September 17, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0008.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act. For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.²

The 180th day following the September 17, 2020 decision was March 16, 2021. As appellant did not file an appeal with the Board until October 1, 2021, more than 180 days after the September 17, 2020 OWCP decision, the Board finds that the appeal docketed as No. 22-0008 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered

¹ 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

² *Id.* at § 501.3(e).

a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0008 is dismissed.

Issued: October 26, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

³ *Id.* at § 501.6(d).